

# Ninety-First Regular Session

WEDNESDAY, January 13, 1993

The chief clerk makes the following entries under the above date.

## INTRODUCTION OF RESOLUTIONS

### Senate Joint Resolution 2

Relating to distinguishing the state lottery from prohibited gambling, limiting "lottery", prohibiting lottery expansion to other games, and removing from the gambling section of the constitution the prohibition of individual divorce grants by the legislature (2nd consideration).

By Senators Adelman, Burke, Decker, George, Chvala, Risser, Helbach, Moen, Lekan, Cowles, Petak, Huelsman and Farrow; cosponsored by Representatives Bock, Lehman, Goetsch, Porter, Brancel, Schneiders, Vergeront, R. Young, Foti, Black, Duff, Notestein, Rosenzweig, Harsdorf, Ott, Ladwig and Underheim.

Read first time and referred to committee on Judiciary and Consumer Affairs.

### Senate Joint Resolution 3

Relating to the rights of victims of crime (2nd consideration).

By Senators Adelman, Rude, Moore, Risser, Helbach and Burke; cosponsored by Representative Rutkowski, by request of Jim Doyle, Attorney General.

Read first time and referred to committee on Judiciary and Consumer Affairs.

## INTRODUCTION OF BILLS

Read first time and referred:

### Senate Bill 1

Relating to deleting the advisory referenda questions on gambling from the April 6, 1993, spring election ballot.

By Senators Adelman, Burke, Decker, George, Chvala, Risser, Helbach, Moen and Huelsman; cosponsored by Representatives Bock, Lehman, Goetsch, Vergeront and R. Young.

To committee on Judiciary and Consumer Affairs.

### Senate Bill 2

Relating to assuring financial responsibility for the operation of motor vehicles, granting rule-making authority and providing a penalty.

By Senators Plewa, Chvala, Andrea, Jauch, Burke, Moen, Lekan, Buettner and Stitt; cosponsored by Representatives Roberts, Holperin, Carpenter, Lehman, Black, Ryba, Cullen, Plache, Boyle, Musser, Krusick, Bock, Brandemuehl, Hahn, Potter, Bell, Dobyns and Springer.

To committee on Housing, Commerce, Government Operations and Cultural Affairs.

## COMMITTEE REPORTS

The joint committee for review of Administrative Rules reports and recommends:

### Senate Bill 3

Relating to determination of homelessness for purposes of aid to families with dependent children emergency assistance.

Introduction:

Ayes, 6 — Senators Plewa, Clausing and Cowles; Representatives Swoboda, Grobschmidt and Hanson;

Noes, 1 — Representative Welch.

Read first time and referred to select committee on Health Care, Human Services and Corrections.

### Senate Bill 4

Relating to the annual wastewater discharge environmental fee.

Introduction:

Ayes, 6 — Senators Plewa, Clausing and Cowles; Representatives Swoboda, Grobschmidt and Hanson;

Noes, 1 — Representative Welch.

Read first time and referred to committee on Urban Affairs, Financial Institutions and Environmental Resources.

John R. Plewa  
Co-chair

Lary Swoboda  
Co-chair

## PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Public Instruction

December 30, 1992

To the Honorable the Legislature:

As required by s. 119.23, Wis. Stat., enclosed for distribution to the appropriate standing committees is the second-year report on the Milwaukee Parental Choice Program. Prepared by John Witte, professor with The Robert M. La Follette Institute of Public Affairs and the Department of Political Science of the University of Wisconsin-Madison, the report is comprehensive, pointing out both positive and negative aspects of the program. Witte repeats his first-year report recommendations for improvement of the program, which require legislative approval and have been advanced by this department, as part of its biennial budget request.

Among the findings of the report are the following:

- \* The vast majority of evidence presented in the report is consistent with and confirms the evidence presented in the first-year report.
- \* The program accomplishes its intent of making alternative school choices available to low-income families.
- \* The number of students participating has increased each year, from 341 in fall 1990, to 521 in fall 1991, to 613 in fall 1992.
- \* The number of participating schools was seven in 1990-91, six in 1991-92, and 11 in 1992-93.
- \* The attrition rate remains high into the third year of the program. Excluding graduates, there was an attrition rate from choice schools of 47 percent between the first and second years, which means that, of the original 341 students, excluding eight graduates, only 53 percent returned the second year. The second-year attrition rate was 35 percent.
- \* Pupil attendance in the choice schools is high, but only slightly higher than MPS. Attendance by choice students (excluding SER-Jobs) averaged 94 percent in 1990-91 and xx percent in 1991-92. Average attendance in MPS elementary schools in the last three years has been 92 percent each year.
- \* Test scores of choice students, whether completing one or two years in the program, are lower than the scores in both the full MPS sample and the low-income MPS sample. Comparing low-income MPS and choice students, the mean math scores of the choice students is more than five points lower. The reading score for the choice students, which was higher in 1991, is two points lower than the MPS sample.
- \* Parent satisfaction is high.
- \* Parents reported high satisfaction with information and assistance received from choice schools and the Department of Public Instruction.
- \* Staff turnover during the first two years of the program was high, but turnover and new personnel rates for the current year are down substantially, indicating some stability in the original five schools.
- \* Turnover of administrators was also high. For 1991-92, three of the six participating schools had new principals or directors.
- \* Parental involvement for choice schools is high.
- \* At an estimated \$2,745 per pupil in 1992-93, state aid to private voucher schools is higher than per-pupil equalization aid paid to 66 percent of public school districts.
- \* The per-pupil payment by the state to the choice schools is higher than the tuition at all but one of the choice schools.
- \* Choice schools continuing in the program for the third year seem to have reached a level of stability, and it appears one of the contributing factors is the public dollars to the schools.
- \* The recommendations in the report are similar to those in the first-year report and highlight needed changes in governance, financial reporting,

program accountability, information and selection procedures, transportation, and the exclusion of children with exceptional education needs, among others.

The Department of Public Instruction budget request includes Professor Witte's first-year recommendations for improvements to this experimental program. Our proposal also includes the sunset provision, which was vetoed from the original legislation to reinforce the experimental nature of private school choice and to require affirmative action on the part of the legislature to continue the program.

I continue to oppose this program, but as the report notes, our department has administered the program fairly and professionally. I believe this report provides continued evidence that a private school choice program is not a panacea, nor does it deal directly or substantially with the challenges faced by the Milwaukee Public Schools.

Sincerely,  
Herbert J. Grover  
State Superintendent

Referred to the committee on Education.

State of Wisconsin  
University of Wisconsin System

January 6, 1993

To the Honorable the Legislature:

Section 20.923(5), Wis. Stats., requires that the Board of Regents assign specified titled positions to salary ranges in whatever manner the board determines. The board is required to file a report annually with the governor and Legislature.

The board has directed that all positions referenced in s. 20.923(5) be assigned to either a State Executive Salary Group or to a UW System salary range based on the following assignment criteria:

I. Positions subject to State Executive Salary Group assignment.

- A. All Positions referenced in s. 20.923(5) which carry the following titles regardless of annual salary:

Associate Vice Presidents  
Assistant Vice Presidents  
Associate Chancellors

Vice Chancellors not designated in s. 20.923(4m)

Associate Vice Chancellors  
Assistant Vice Chancellors  
Assistant Chancellors

- B. All positions carrying the director or associate director title with over 50 percent of their activities coded as physical plant, general operations and services, and auxiliary enterprises whose fiscal year annual salary rate

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exceeds the maximum of pay range 1-17 (1992-93 maximum is \$55,137) of the general non-represented pay schedule #1.

II. Positions subject to UWS Salary Range Assignment:

All directors or associate directors with over 50 percent of their position assigned to an enumerated activity code in the statute whose annual salary does not exceed the maximum of pay range 1-17.

Part A of the attached report designates those positions assigned to State executive Salary Groups and Part B provides the minimum and maximum for those positions assigned to a UWS Salary Range. The report is dated January 1, 1993 and serves to fulfill this calendar year's reporting requirement.

Sincerely,  
Katharine C. Lyall  
President

State of Wisconsin  
Joint Survey Committee on Retirement Systems  
Retirement Research Committee

January 5, 1993

To the Honorable the Legislature:

Enclosed with this cover letter is a copy of the 1992 Comparative Study of Major Public Pension Plans as prepared by the staff of the Wisconsin Retirement Research Committee (RRC). Most of the information in this survey has been taken from annual reports, actuarial valuations, employee handbooks, and statutes which the various pension systems have furnished this office. Where such information was lacking, RRC staff used information from other sources including NASRA, NCTR, NEA, NCSL and AARP.

The benefit formulas and other provisions noted in this study reflect those governing teachers and general employees, and presumably reflect provisions in effect in 1991 or 1991/92 -- the time period represented by most of the annual reports. I hope you find this survey to be of interest.

Sincerely,  
Blair Testin  
Director

State of Wisconsin  
Department of Health and Social Services  
December 30, 1992

To the Honorable the Legislature:

Enclosed is a report of the Department of Health and Social Services' efforts to simplify public assistance program monthly report forms. This report is submitted in accordance with Section 9125 of the 1991 Wisconsin Act 322.

Sincerely,  
Gerald Whitburn  
Secretary

State of Wisconsin  
Department of Natural Resources

January 8, 1993

To the Honorable the Legislature:

**Senate Bill 483**, Section 9142, Subsection 12C, directed the Department of Natural Resources to conduct a study to address the issues of white-tail deer farming, by December 31, 1992. Essentially the report is complete. We are gathering some January 1, 1993 statistics on deer farm license renewals before finalizing the report.

If you have questions concerning this please telephone me at 266-2774.

Sincerely,  
Thomas C. Solin, Chief  
Special Investigations

State of Wisconsin  
Office of the Commissioner of Insurance

January 8, 1993

To the Honorable the Legislature:

Enclosed is a report entitled "Study of Premium Reporting by Nondomestic Health Insurers." This report was required by Act 250 (1991 Assembly Bill 655, Section 9130).

It is to be distributed in the manner provided under s. 13.172(3), Wis. Stat., to the standing committees with jurisdiction over health insurance.

Please contact me if you have any questions about the report.

Sincerely,  
John W. Torgerson  
Deputy Commissioner

State of Wisconsin  
Office of the Commissioner of Insurance

January 8, 1993

To the Honorable the Legislature:

Enclosed is a report entitled "Report on Probationary or Waiting Periods." This report was required by Act 250 (1991 Assembly Bill 655, Section 9130).

It is to be distributed in the manner provided under s. 13.172(3), Wis. Stat., to the standing committees with jurisdiction over health insurance.

Please contact me if you have any questions about the report.

Sincerely,  
John W. Torgerson  
Deputy Commissioner

State of Wisconsin  
Office of the Commissioner of Insurance  
January 8, 1993

To the Honorable the Legislature:

Enclosed is a report entitled "Report on Reinsurance."  
This report was required by Act 250 (1991 Assembly Bill  
655, Section 9130).

It is to be distributed in the manner provided under s.  
13.172(3), Wis. Stat., to the standing committees with  
jurisdiction over health insurance.

Please contact me if you have any questions about the  
report.

Sincerely,  
John W. Torgerson  
Deputy Commissioner

#### EXECUTIVE COMMUNICATIONS

GLORIA A. BEASER of Montello, as a member of the  
Respiratory Care Practitioners Examining Council,  
to serve for the term ending July 1, 1995.

Read and referred to committee on Health Care,  
Human Services and Corrections.

RUSSELL BROWN of Milwaukee, as a member of the  
Barbering and Cosmetology Examining Board, to  
serve for the term ending July 1, 1996.

Read and referred to committee on Health Care,  
Human Services and Corrections.

EILEEN CONNOLLY-KEESLER of Appleton, as a  
member of the Council on Domestic Abuse, to serve  
for the term ending July 1, 1995.

Read and referred to committee on Health Care,  
Human Services and Corrections.

PENNY FITZGIBBON of Florence, as a member of the  
Architects, Professional Engineers, Designers and  
Land Surveyors Examining Board, to serve for the  
term ending July 1, 1994.

Read and referred to committee on Housing,  
Commerce, Government Operations and Cultural  
Affairs.

DR. CARL J. GETTO of Middleton, as a member of the  
Rural Health Development Council, to serve for the  
term ending July 1, 1997.

Read and referred to committee on Health Care,  
Human Services and Corrections.

NANCY HARPER of Cambridge, as a member of the  
Nursing Home Administrator Examining Board, to  
serve for the interim term ending July 1, 1995.

Read and referred to committee on Health Care,  
Human Services and Corrections.

VIRGINIA HEINEMANN of Wausau, as a member of  
the Examining Board of Social Workers, Marriage  
and Family Therapists and Professional Counselors,  
to serve for the term ending July 1, 1996.

Read and referred to committee on Health Care,  
Human Services and Corrections.

LINDA S. HOWARD of Waukesha, as a member of the  
Board on Aging and Long Term Care, to serve for the  
term ending May 1, 1997.

Read and referred to committee on Aging and Rural  
Affairs.

SARAH L. KAMKE of Schofield, as a member of the  
Veterinary Examining Board, to serve for the interim  
term ending July 1, 1994.

Read and referred to committee on Transportation,  
Agriculture, Tourism and Veterans Affairs.

DOUGLAS V. KNIGHT of Eau Claire, as a member of  
the Examining Board of Social Workers, Marriage  
and Family Therapists and Professional Counselors,  
to serve for the term ending July 1, 1994.

Read and referred to committee on Health Care,  
Human Services and Corrections.

EUGENE LEHRMANN of Tomah, as a member of the  
Board on Aging and Long Term Care, to serve for the  
term ending May 1, 1997.

Read and referred to committee on Aging and Rural  
Affairs.

JON MCGLOCKLIN of Brookfield, as a member of the  
Medical College of Wisconsin Board of Trustees, to  
serve for the term ending May 1, 1998.

Read and referred to committee on Health Care,  
Human Services and Corrections.

WILLIAM F. O'DONNELL of Milwaukee, as a  
member of the Regional Transportation Authority,  
to serve for the interim term ending December 11,  
1994.

Read and referred to committee on Transportation,  
Agriculture, Tourism and Veterans Affairs.

MICHAEL J. PEEBLES of Fond du Lac, as a member  
of the Prison Industries Board, to serve for the term  
ending May 1, 1995.

Read and referred to committee on Health Care,  
Human Services and Corrections.

JOHN PETERSEN III, of Madison, as a member of the  
Wisconsin Housing and Economic Development  
Authority, to serve for the term ending January 1,  
1996.

Read and referred to committee on Housing,  
Commerce, Government Operations and Cultural  
Affairs.

FREDERICK T. RIKKERS of Madison, as a member  
of the Savings and Loan Review Board, to serve for  
the interim term ending May 1, 1993.

Read and referred to committee on Urban Affairs,  
Financial Institutions and Environmental Resources.

JACQUELINE D. SCHELLINGER of Elm Grove, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1995.

Read and referred to committee on Health Care, Human Services and Corrections.

RUTH ANN STROZINSKY of Tomah, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 1997.

Read and referred to committee on Aging and Rural Affairs.

JOYCE TOWNSEND of Glendale, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1995.

Read and referred to committee on Health Care, Human Services and Corrections.

STELLA A. YOUNG of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 1995.

Read and referred to committee on Judiciary and Consumer Affairs.

#### SENATE CLEARINGHOUSE ORDERS

The committee on Urban Affairs, Financial Institutions and Environmental Resources reports and recommends:

The University of Wisconsin System Report summarizes the activities of the Solid Waste Experiment Center Program and the Solid Waste Research Council.

No action taken.

Brian Burke  
Chair

#### Senate Clearinghouse Rule 89-148

Relating to both sale events conducted away from the licensed premises of a dealer and certain sales activities the department may permit after suspension, revocation or denial of a motor vehicle dealer license.

Submitted by Department of Transportation.

Continued from the 1991 session pursuant to s. 227.19(4)(b)6, Wi. Stats., January 4, 1993.

Referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs, January 13, 1993.

#### Senate Clearinghouse Rule 92-66

Relating to transfer of public records to optical disk format.

Submitted by Department of Administration.

Report received from agency, January 11, 1993.

Referred to committee on Housing, Commerce, Government Operations and Cultural Affairs, January 13, 1993.

#### Senate Clearinghouse Rule 92-75

Relating to hunting, trapping and firearm possession regulations.

Submitted by Department of Natural Resources.

Continued from the 1991 session pursuant to s. 227.19(4)(b)6, Wi. Stats., January 4, 1993.

Referred to committee on Urban Affairs, Financial Institutions and Environmental Resources, January 13, 1993.

#### Senate Clearinghouse Rule 92-76

Relating to incorporation of revisions and additions to the federal new source performance standards.

Submitted by Department of Natural Resources.

Report received from agency, January 12, 1993.

Referred to committee on Urban Affairs, Financial Institutions and Environmental Resources, January 13, 1993.

#### Senate Clearinghouse Rule 92-104

Relating to sales and use taxes.

Submitted by Department of Revenue.

Report received from agency, January 11, 1993.

Referred to committee on Labor, Revenue and Economic Development, January 13, 1993.

#### Senate Clearinghouse Rule 92-116

Relating to the reasonable accommodation of students' religious beliefs.

Submitted by University of Wisconsin System.

Continued from the 1991 session pursuant to s. 227.19(4)(b)6, WI. Stats., January 4, 1993.

Referred to committee on Education, January 13, 1993.

#### Senate Clearinghouse Rule 92-127

Relating to sales by elementary and secondary schools.

Submitted by Department of Revenue.

Report received from agency, January 11, 1993.

Referred to committee on Labor, Revenue and Economic Development, January 13, 1993.

#### Senate Clearinghouse Rule 92-128

Relating to sales by advertising agencies.

Submitted by Department of Revenue.

Report received from agency, January 11, 1993.

Referred to committee on Labor, Revenue and Economic Development, January 13, 1993.

#### Senate Clearinghouse Rule 92-133

Relating to the elderly and handicapped transportation assistance program for private nonprofit organizations.

Submitted by Department of Transportation.

Report received from agency, January 12, 1993.

Referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs, January 13, 1993.

#### Senate Clearinghouse Rule 92-142

Relating to atrazine use restrictions.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, January 4, 1993.

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Referred to committee on Urban Affairs, Financial Institutions and Environmental Resources, January 13, 1993.

**Senate Clearinghouse Rule 92-153**

Relating to student nonacademic misconduct and discriminatory harassment.

Submitted by University of Wisconsin System.

Report received from agency, January 5, 1993.

Referred to committee on Education, January 13, 1993.

**Senate Clearinghouse Rule 92-154**

Relating to motor carrier safety regulations.

Submitted by Department of Transportation.

Report received from agency, January 5, 1993.

Referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs, January 13, 1993.

**Senate Clearinghouse Rule 92-155**

Relating to motor carrier safety requirements for transportation of hazardous materials.

Submitted by Department of Transportation.

Report received from agency, January 5, 1993.

Referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs, January 13, 1993.

**Senate Clearinghouse Rule 92-160**

Relating to the urban mass transit operating assistance program.

Submitted by Department of Transportation.

Report received from agency, January 12, 1993.

Referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs, January 13, 1993.

**Senate Clearinghouse Rule 92-165**

Relating to emergency number systems.

Submitted by Department of Administration.

Report received from agency, January 12, 1993.

Referred to committee on Housing, Commerce, Government Operations and Cultural Affairs, January 13, 1993.

**Senate Clearinghouse Rule 92-166**

Relating to alternative energy systems.

Submitted by Department of Administration.

Report received from agency, January 12, 1993.

Referred to committee on Urban Affairs, Financial Institutions and Environmental Resources, January 13, 1993.

**Senate Clearinghouse Rule 92-180**

Relating to advance land acquisition loan program for airports.

Submitted by Department of Transportation.

Report received from agency, January 5, 1993.

Referred to committee on Transportation, Agriculture, Tourism and Veterans Affairs, January 13, 1993.

**Senate Clearinghouse Rule 92-196**

Relating to establishing procedures that apply to elections of participants to the employe trust funds board or the teachers retirement board.

Submitted by Department of Employee Trust Funds.

Report received from agency, January 4, 1993.

Referred to committee on Housing, Commerce, Government Operations and Cultural Affairs, January 13, 1993.

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**CHIEF CLERK'S CORRECTION**

Suggested by Legislative Reference Bureau

**Senate Joint Resolution 1**

In enrolling, the following correction was made:

1. Page 5, line 26: substitute "(e)" for "(d)" in agreement with that action phrase statement that "Joint rule 82(1)(e) is created to read:".